

Waiver 5 Freedom of Choice Addendum for 0208, 1037 and 0667 waivers.
Effective 7/1/2013

ICF/IID SERVICES IN MONTANA

ICF/IID is a term drawn from federal law and stands for intermediate care facility for individuals with an intellectual disability. An ICF/IID is a specialized nursing facility for the specific purpose of serving persons with developmental disabilities who are in need of substantial nursing or other intensive care.

In Montana, ICF/IID services funded with Medicaid monies are available through the Montana Developmental Center (MDC) in Boulder, a public facility administered by the Department of Public Health & Human Services. Entry into MDC may only be gained through a commitment order entered by a state district court after a determination that a person is "seriously developmentally disabled". A commitment proceeding may only be initiated through a county attorney's office.

Further information on the process for commitment to an ICF/IID may be obtained from the Services Coordinator, Developmental Disabilities Program (DDP), Department of Public Health & Human Services at P.O. Box 4210, Helena, MT, 59624-4210. The telephone number for the DDP central office is (406) 444-2995.

FAIR HEARING RIGHTS

A person who disagrees with an adverse action relating to their home and community based services, including such actions as suspension, reduction or termination of services, the denial of a requested service, or an adverse action resulting from the individual planning process may appeal the decision through a fair hearing procedure available under the authority of the Montana Administrative Procedure Act.

A hearing is conducted by a fair hearing officer from the Department of Public Health & Human Services' Office of Fair Hearings. Both the person who is appealing a decision and representatives from the Developmental Disabilities Program may present testimony and evidence at that hearing through witnesses and documents. Further details concerning the availability of and the process for a fair hearing may be obtained from the Department's fair hearing rules at Administrative Rules of Montana (ARM) Secretary of State . These rules are available upon request from the DDP (see above), the Department website or from your case manager.

The proposed decision of the hearing officer may, in turn, be appealed to the Board of Public Assistance. The Board is made up of 3 citizen members appointed by the Governor. The decision of the Board, in turn, may be appealed to state district court.

A request for a fair hearing must be stated in writing and be submitted to Department's Office of Fair Hearings at 2401 Colonial Drive, Helena, MT 59620-2953. You also may call that office at (406) 444-2470 for further information.

OPPORTUNITIES TO SELF-DIRECT

Persons enrolled in a Developmental Disabilities Program Waiver have two choices for self-direction of waiver services:

1. **Agency with Choice Model:**

Under this model a provider agency with a DDP contract assumes responsibility for: (a) employing and paying workers, who have been referred to them by individuals, to provide services to them; (b) reimbursing allowable services; (c) withholding, filing and paying federal, state and local income and employment taxes. Under this model, the individual acts as the "Managing Employer" and is responsible for referring staff to agency for hire. They also partner with the provider to in scheduling the staff, orienting and instructing staff in their duties, in accordance with waiver requirements, supervising the staff, evaluating staff performance, verifying time worked by staff and discharging staff from providing services to them. The Agency with Choice model can enable individuals to exercise choice and control over services while relieving them of the burden of carrying out financial matters and other legal responsibilities associated with the employment of workers. Under this model, the provider agency with a DDP contract is considered the employer of workers who are referred by the individual.

Persons potentially eligible to choose this service option are limited to those living in an apartment, adult foster home, natural home or private residence. Private residence is defined as: A living arrangement that is **not** owned or leased by a service provider.

Services available to self direct in the Agency with Choice model:

0208 Waiver	1037 Waiver	0667 Waiver
Supports Broker	Supports Broker	No services at this time
Personal Supports	Personal Supports	
Respite	Respite	
Personal Emergency Response System (PERS)	Personal Emergency Response System (PERS)	
Job Discovery/Job Preparation	Job Discovery/Job Preparation	
Supported Employment- Individual Employment Support	Supported Employment- Individual Employment Support	
Supported Employment- Follow Along Support	Supported Employment- Follow Along Support	
Supported Employment- Co-Worker Support	Supported Employment- Co-Worker Support	
Supported Employment- Small Group Employment	Supported Employment- Small Group Employment	
Transportation	Transportation	
Waiver-funded Children's Case Management (WCCM)	Meals	
Caregiver Training and Support	Individual Goods and Services	
Live-In Caregiver	Environmental Modifications/ Adaptive Equipment	
Community Transition Services	Behavioral Supports	

2. Employer Authority Model Using a Financial Management Service:

Under this model the individual is supported to recruit, hire, supervise and direct the workers who furnish waiver supports. The individual/family member/representative functions as the employer of these workers. When Employer Authority is utilized, the individual receiving the services (or their authorized representative) rather than a provider agency with a DDP contract carries out employer responsibilities for workers. For individuals choosing this option, Financial Management Services are furnished for two purposes: (a) to address Federal, state and local employment tax, labor and workers' compensation insurance rules and other requirements that apply when the individual or family member* functions as the employer of workers and (b) to make financial transactions on behalf of the individual when the employer authority option is chosen.

Services available to self-direct in the Employer Authority model:

0208 Waiver	1037 Waiver	0667 Waiver
Supports Broker	Supports Broker	Respite
Personal Supports	Personal Supports	Transportation provided during the provision of respite
Respite	Respite	
Personal Emergency Response System (PERS)	Personal Emergency Response System (PERS)	
Individual Goods and Services	Individual Goods and Services	
Environmental Modifications/ Adaptive Equipment	Environmental Modifications/ Adaptive Equipment	
Job Discovery/Job Preparation	Job Discovery/Job Preparation	
Supported Employment- Individual Employment Support	Supported Employment- Individual Employment Support	
Supported Employment- Follow Along Support	Supported Employment- Follow Along Support	
Supported Employment- Co-Worker Support	Supported Employment- Co-Worker Support	
Meals	Meals	
Transportation	Transportation	
Community Transition Services		

*"family member" means natural parents, adoptive parents, licensed foster parents, grandparents, step-parents, sibling, aunt, uncle, guardians and an individual who has a legally granted conservatorship or properly executed power of attorney responsibility for overseeing the disabled persons finances or general care."

Persons interested in self-directing should discuss this option with their case manager. The self-directed option is subject to the approval of the planning team. More information about the self-directed services option is available from the case manager or on the DDP website. The DDP website may be accessed as follows: <http://www.dphhs.mt.gov/dsd/ddp/selfdirection.shtml>